

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

FRANK TUFANO,

Plaintiff,

v.

CIVIL ACTION NO. 3:24-cv-01115

(SAPORITO, J.)

FENIX INTERNET LLC,

Defendant.

ORDER

AND NOW, this 13th day of November, 2024, in accordance with the accompanying Memorandum, **IT IS HEREBY ORDERED THAT:**

1. The report and recommendation (Doc. 9) is **ADOPTED**;
2. The amended complaint is **DISMISSED** for failure to state a claim upon which relief can be granted, without further leave to amend, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii);
3. Any appeal from this order is deemed to be frivolous and not taken in good faith, *see* 28 U.S.C. § 1915(a)(3); and
4. The clerk shall mark this case as **CLOSED**.

Joseph F. Saporito, Jr.
JOSEPH F. SAPORITO, JR.
United States District Judge